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MAY 12 2006

OFFICE OF PETITIONS

In re Application of
Toshio Yamawaki
Application No. 09/530,145
Filed: April 24, 2000
Atty Docket No.: 37395/DBP/A400

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:
: DECISION ON
: PETITION

This is a decision in response to the Second Renewed Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), filed December 21, 2005.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly respond to the Notice of Non-Compliant Amendment ("Notice"), mailed February 2, 2005. The Notice set a one (1) month period for reply. No response having been received, the application became abandoned on March 3, 2005. A Notice of Abandonment was mailed October 17, 2005.

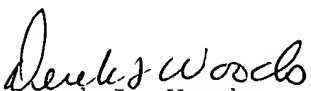
Applicant filed petitions on October 12, 2005 and December 21, 2005, which were dismissed in decisions mailed November 23, 2005 and February 15, 2006, for failing to meet the requirements of a grantable petition to withdraw the holding of abandonment.

With the instant petition, Petitioner has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 2667 for re-mailing of the Office action.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


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